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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 MICHAEL PETER SIMONSON,

13 Defendant.

NO. CR04-72-JCC

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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16 An initial hearing on a petition for violation of supervised release was held before the
17 undersigned Magistrate Judge on December 21, 2009. The United States was represented by
18 Assistant United States Attorney Kathryn Frierson, and the defendant by Michael Filipovic.

19 The defendant had been charged and convicted of Mail Fraud, in violation of 18 U.S.C.
20 §§ 1341 and 2. On or about June 18, 2004, defendant was sentenced by the Honorable John C.
21 Coughenour, to a term of fifty-seven months in custody, to be followed by three years of
22 supervised release.

23 The conditions of supervised release included the requirements that the defendant
24 comply with all local, state, and federal laws, and with the standard conditions. Special
25 conditions imposed included, but were not limited to, participation in substance abuse and
26 mental health programs, financial disclosure, \$173,100.20 restitution, no firearms, mandatory

1 drug testing, search, access to financial information, maintain single checking account and
2 deposit all income to that account, surrender and make available all business records,
3 disclosure all assets and liabilities, allow USPO to inspect any computer, notify USPO of all
4 computers and software owned or used during supervision, no new credit, no employment in
5 sales or any business in which he would access monetary instruments, no self employment and
6 no employment by friends or relatives without USPO approval, special assessment of \$200..

7 In a Petition for Warrant or Summons, dated August 11, 2009, U.S. Probation Officer
8 Richard B. Cowan asserted the following violations by defendant of the conditions of his
9 supervised release:

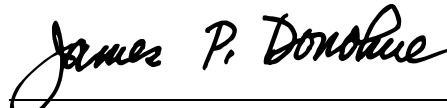
- 10 (1) Failing to report to the probation officer on or about June 12, 2009, in
11 violation of standard condition No. 2.
- 12 (2) Failing to report to the probation officer on or about June 15, 2009, in
13 violation of standard condition No. 2.
- 14 (3) Failing to follow the instructions of the probation officer on or about June 12,
15 2009, and June 15, 2009, by failing to report to the probation officer as
16 directed, in violation of standard condition No. 3.
- 17 (4) Failing to submit monthly written reports to the U.S. Probation Officer within
18 the first five days of June and July 2009, in violation of standard condition
19 number 2.
- 20 (5) Failing to pay restitution during the months of April, May, June and July
21 2009, in violation of the special condition that he pay restitution in the amount
22 of \$175,100.20, and that unpaid amounts are to be paid in monthly
23 installments of not less than 10% of his gross monthly household income.

24 The defendant was advised of his rights, acknowledged those rights, and admitted to
25 alleged violations 1, 2, 3, 4 and 5.

1 I therefore recommend that the Court find the defendant to have violated the terms and
2 conditions of his supervised release as to violations 1, 2, 3, 4 and 5 and that the Court conduct
3 a hearing limited to disposition. A disposition hearing on these violations has been set before
4 the Honorable John C. Coughenour on March 26, 2010 at 9:00 a.m.

5 Pending a final determination by the Court, the defendant has been detained.

6 DATED this 21st day of December, 2009.

7 
8 JAMES P. DONOHUE
9 United States Magistrate Judge

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12 cc: District Judge: Honorable John C. Coughenour
13 AUSA: Kathryn Frierson
14 Defendant's attorney: Michael Filipovic
15 Probation officer: Richard B. Cowan
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